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AMENDMENT UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 1733

PATENT APPLICATION
Q-68394

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Heinz FOCKE, et al.

Appln. No.: 10/069,074

Group Art Unit: 1733

Confirmation No.: 9105

Examiner: B. Musser

Filed: February 21, 2002

For: METHOD FOR PRODUCING (CIGARETTE) PACKETS

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

and

REQUEST FOR INTERVIEW

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the **final** Office Action mailed August 11, 2004, Examiner Musser has essentially repeated her previous rejection of claims 1, 3 and 4 as being unpatentable (obvious) over Focke in view of Froehlig and Dexter, but applied it to the new independent claim 6 and to the dependent claims 3 and 4. The same is true with respect to the repeated rejection of dependent claim 2 as being unpatentable (obvious) over Focke '186 in view of Froehlig '713, in view of Dexter '033, and further in view of Miles '320, and to the repeated rejection of claim 5 as being unpatentable (obvious) over Focke, in view of Froehlig, in view of Dexter, and further in view of Anderson '235.

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In her "Response to Arguments", Examiner Musser makes the following statements:

Dexter discloses how a contact adhesive can be applied to both sides of the continuous web of material.

[In Froehlig] the glue application locations are dependent on how the web is folded into its final shape. When a box such as that of Focke is desired, one in the art would appreciate that the adhesive would be on both sides of the web, as otherwise the two ends of the box would not overlap and form a seam.

[Dexter] is reasonably pertinent to applicant's problem, namely the problem of glue contaminating the machinery. Figure 14 [of Dexter] shows the adhesive as applied to both sides of the web.

Applicant also notes the Examiner's recommendation that the previously submitted Exhibits A, B and C not be added to the specification.

The Examiner's rejections all rely on the three-way combination of Focke, Froehlig and Dexter, and Applicant must respectfully submit that the Examiner has read into the prior art (perhaps because of the prohibited use of hindsight reconstruction based on the Examiner's knowledge of Applicant's own disclosure) teachings that simply are not found or suggested in the references, especially Focke and Dexter.

More specifically, Applicant respectfully submits that **Focke '186** is really quite irrelevant to the invention defined in claims 2-6. The Examiner correctly points out that glue is applied to a continuous material web and that the latter is then wound. **But the only** function of the glue in Focke '186 is to connect the reinforcement strip 29 (Fig. 6, Fig. 7) or the reinforcement strip 30 (Fig. 8, Fig. 9) to the film web. Accordingly, the applied glue immediately takes effect through the folding of the strips 29, 30 to connect them to the material

web. This **finishes** the gluing process. Focke's material web contains **no** other open glue regions which would take effect in the region of folding tabs after the blank has been severed during pack production, as recited in Applicant's independent claim 6, paragraphs d) and e).

Dexter '033 does not relate to the production of "packs", i.e., to the production of three-dimensional objects. In this respect, Applicant respectfully submits that the Examiner has construed this non-analogous prior art too widely. The products to be made by Dexter are "multiple-ply documents"; named as examples are "letters and envelopes, invoices", etc. Such documents are exclusively two-dimensional objects, and certainly are **not analogous** to Applicant's claimed (three-dimensional) "packs".

Furthermore, in order to produce a multiple-ply document, two separate blanks, designated as P1 and P2, are brought together and glued. The glue points, however, must be offset so that the blanks can be folded in an accordion-like manner. Fig. 13 and Fig. 14 of Dexter also illustrate the formation of a roll. **But** here, too, in each case two separate blanks, having different glue patterns, are joined together to form the document.

Froehlig '713 relates to **individual blanks**, and **not** to a material web from which the blanks must be severed. Froehlig, therefore, fails even to address the problem of the invention that several glue regions lie against one another in the layers formed in their wound condition. In addition, in Froehlig the glue regions are arranged on the same side of the blank as compared to Applicant's "claimed" "opposite" sides. Froehlig, therefore, fails to disclose or even suggest blanks which have glue regions on their (opposite) front and rear sides.

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Thus, for the above reasons, and also for the reasons (which are incorporated herein by reference) presented in Applicant's previous response, Applicant respectfully submits that the deficiencies in the Focke/Froehlig/Dexter combination fail to provide *prima facie* obviousness of the subject matter of any of the pending claims 2-6. In view of these deficiencies, the additions of Miles's "release coating" and/or Anderson's revenue stamps are incapable of rendering *prima facie* obvious the subject matter of dependent claims 2 and 5.

Therefore, Applicant respectfully requests Examiner Musser **carefully to reconsider** the rejections under 35 U.S.C. § 103(a) and to find the application to be in condition for allowance with claims 2-6.

REQUEST FOR INTERVIEW

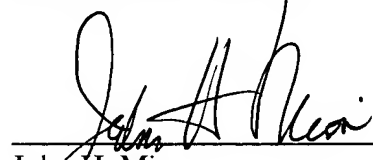
However, if for any reason the Examiner feels that the application is not now in condition for allowance with claims 2-6, Applicant respectfully requests Examiner Musser to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application, particularly in regard to whether Examiner Musser feels that additional claim amendments would be required patentably to distinguish the claimed subject matter (claims 2-6) from the prior art, or whether Examiner Musser feels that there is **nothing patentable** in Applicant's entire **disclosure**.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and
Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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